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May 21, 1993

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Secretary
Federal Communications Commission
Washington, DC 20554

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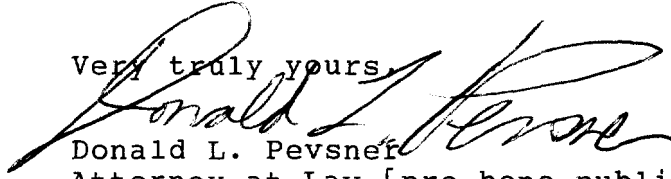
MAY 21 1993

Dear Sirs:

FCC-MAIL ROOM

Please furnish a copy of the enclosed Petition for Rulemaking to all parties, including the five Commissioners, enumerated in 47 CFR 1.419(b). Thank you.

Very truly yours,


Donald L. Pevsner
Attorney-at-Law [pro bono publico]

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

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MAY 24 1993

FCC-MAIL ROOM

Petition for Rulemaking of :
:
DONALD L. PEVSNER, ESQ. :
:
To Abolish Automatic Rounding- :
Up of Additional Long-Distance :
Minutes After the First Minute :

Docket

PETITION FOR RULEMAKING

of

DONALD L. PEVSNER, ESQ.

Communications with respect to this
document should be addressed to:

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Miami, Florida
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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

FCC-MAIL ROOM

Petition for Rulemaking of :
 :
DONALD L. PEVSNER, ESQ. :
 :
To Abolish Automatic Rounding- : Docket
Up of Additional Long-Distance :
Minutes After the First Minute :

Donald L. Pevsner, Esq., pro bono publico, pursuant to 47 CFR 1.401, et seq., petitions the Commission for a rulemaking proceeding that would establish a new regulatory rule for all regulated long-distance, common-carrier telephone service providers,* and would prohibit the archaic and inequitable practice whereby these firms "round-off" minutes over the first minute to the next-highest full minute, or to a smaller increment of the next-highest full minute that is nevertheless longer than the actual time their customers are connected, and as grounds therefor says:

1. Since the beginning of long-distance telephone service, telephone service providers have been permitted to file tariffs that enshrine the practice, which has achieved the hallowed status of an "old Spanish custom", of rounding-off a one-minute, one-second through one-minute, fifty-nine-second long-distance call to two minutes for billing purposes, and to continue the practice through all successive minutes of their customers' calls. There was once a good justification for this practice: telephone companies did not possess timing equipment sophisticated enough to time long-distance calls to the second, and the consumer became the victim of this lamentable technological lapse.

[*: including cellular-service providers]

2. However, timing technology in the year 1993 has, for at least a decade, been able to time all long-distance calls to the second at no incremental cost to the major telephone companies, **except for** the negative impact that such a development would have on the ill-gotten revenues currently being derived from the practice of "rounding-off" all such calls to a higher minute, or fraction thereof. And, as the technology manifestly does now exist, the telephone companies are applying it in a basely discriminatory manner, as follows:

(a)The "FORTUNE 500" set--major volume users--are offered per-second billing by all of the major long-distance service providers, who use this belated equity as a marketing tool.

(b)Small-business is offered six-second billing (i.e., billing to the next tenth of a minute, which is somewhat better than rounding-off such calls to the next full minute, but still inequitable) in various AT&T advertisements, including the attached example from HOTEL & MOTEL MANAGEMENT Magazine dated June 8, 1992, marked APPENDIX A, and limited to an international calling-plan.

(c)The small user, including all residential users, gets mulcted by paying between sixty times the price (when a full minute's charge is assessed for one second's connection-time over the preceding minute) and one-sixtieth the price (for a fifty-nine second connection-time in an incremental full minute) in excess of the price that should be charged, utilizing mandatory per-second billing for all users, without preference and discrimination.

3. There is no valid economic or other justification for current telephone service providers' practice on point--and every reason to reform their inequitable conduct on an expedited basis, through formal hearings following Commission granting of this petition.

4. In 1972, your petitioner successfully challenged another archaic and unjustifiable practice by international airlines, before the Civil Aeronautics Board. The carriers were providing a ludicrously-small free baggage allowance of 44 pounds, and charging an inordinate sum for excess-baggage based on a percentage of the first-class fare for all passengers, including the vast majority in economy class. When 3½ years' worth of hearings were done, the evidence revealed that the baggage allowance derived directly from that permitted on the "Overland Mail" horse-drawn stagecoach in the Old West of 1867...and the excess charge from that assessed when all flights were first-class, and economy class (pre-1952) had not yet arrived on the transport scene. Things are no different in the instant matter, as the telephone service providers continue to apply 1920's technology to their billing methodology for most users, while these ratepayers have already borne the cost of the massive computerized equipment that, prima facie, makes such billing methods not only obsolete but insulting.

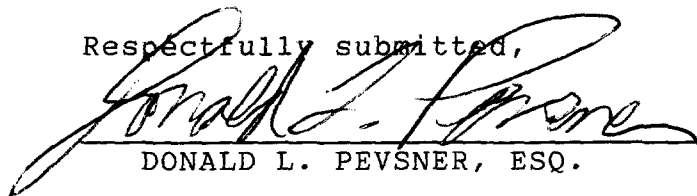
The Commission is therefore requested to grant the petition, and to adopt rules, after a formal hearing on the merits, that would provide the following relief:

(1) All tariffs permitting rounding-off of fractions of minutes to the next-highest full minute, or to any portion thereof that is greater than the actual number of seconds for which the customer is connected, shall be disapproved and revoked immediately.

(2) All long-distance users shall receive per-second billing as a fundamental right, with no increase in rates permitted by virtue of the Commission's termination of an inequitable pricing practice by interstate^{*} long-distance telephone service providers.

(3) Your petitioner, as a separate but very germane issue, asks the Commission to resolve the issue, within the context of this proceeding, of whether the long-distance service providers' current practice of charging a higher price for the first minute's connection-time than for each additional minute's connection-time should be permitted to persist. If so, it is submitted that per-second billing, albeit at a slightly higher rate, should be mandated for the first minute's connection-time as well, as there is no valid motive save unquenchable greed for the status quo. If you do not pay for two pounds of steak when you have purchased between one pound, one ounce and one pound, fifteen ounces thereof, there is nothing magical about a "public utility" that should permit a different modus operandi--period.
[*: and international]

Respectfully submitted,



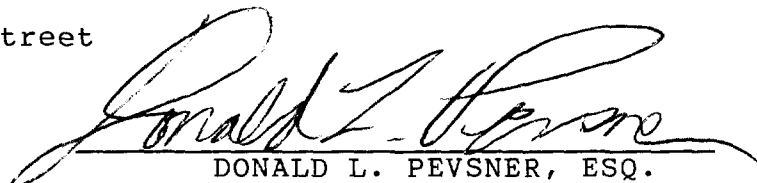
DONALD L. PEVSNER, ESQ.

Miami, Florida
May 21, 1993

CERTIFICATE OF SERVICE

I hereby certify, pursuant to 47 CFR 1.47, that I have served a true copy of the foregoing Petition for Rulemaking upon the following parties, by placing same in the first-class mails of the United States on this 21st day of May, 1993:

- | | |
|--|---|
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DONALD L. PEVSNER, ESQ.

H&MM • JUNE 8, 1992

Do you spend at least \$2,000 on international calls a month? Would you like to save as much as 30%* on all those calls? If so, do what Faden & Faden just did. Upgrade your telecommunications service to AT&T MEGACOM® WATS.

With MEGACOM WATS your phone service is enhanced with T1.5 technology to give you direct access to the AT&T Worldwide Intelligent Network. The results are lower rates based on 6-second billing (which begins after an initial 30-second period), clear connections, quick call setup and the capacity to transmit high quality data and facsimile.

Best of all, if you sign up by June 13, 1992, AT&T will hook you up for free. That could save you as much as \$2,000. (You must request an installation date no later than September 13, 1992, and maintain service at a \$1,900 per month average for 6 months.)

For more information contact your AT&T Account Executive or call 1 800 952-4275. And take a financial tip from Faden & Faden.

The MEGACOM WATS

Savings Plan.

A World of HelpSM from AT&T.



*Savings as compared to AT&T ILD rates.
MEGACOM WATS savings vary based on your current usage and the length of your commitment.
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